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5 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 VENICE PI, LLC,

8 Plaintiff,

9 v.

10 MICHAEL SMITH,

11 Defendant.

C17-1211 TSZ

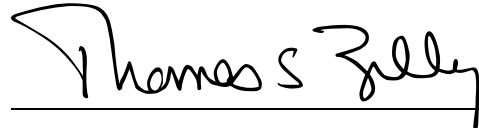
ORDER

12 By Minute Order entered September 11, 2019, docket no. 76, the Court directed  
13 the parties to meet and confer and to file a Joint Status Report on or before October 2,  
14 2019. The parties were advised that failure to file a Joint Status Report would constitute  
15 grounds for dismissal of defendant Michael Smith's counterclaims for declaratory  
16 judgment of non-infringement and abuse of process. Plaintiff's claims against defendant  
17 Smith having been previously dismissed, see Minute Order (docket no. 72), and no Joint  
18 Status Report having been filed, defendant Smith's counterclaims and this action are  
19 hereby DISMISSED without prejudice. See Fed. R. Civ. P. 41(b); see also Wallace v.  
20 Hinton, 2000 WL 1728285 (9th Cir. Nov. 20, 2000) (affirming dismissal without  
21 prejudice for failure to timely file a joint status report (citing Malone v. U.S. Postal Serv.,  
22 833 F.2d 128, 132 (9th Cir. 1987))).

1 The Clerk is directed to CLOSE this case and to send a copy of this Order to all  
2 counsel of record and to pro se defendant Michael Smith.

3 IT IS SO ORDERED.

4 Dated this 7th day of October, 2019.

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7 Thomas S. Zilly  
8 United States District Judge  
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